

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HECTOR ALVARADO,)	CASE NO. 3:16-CV-2563
)	
Petitioner,)	
)	JUDGE PATRICIA GAUGHAN
v.)	
)	MAGISTRATE JUDGE
OHIO STATE PENITENTIARY,)	JONATHAN D. GREENBERG
)	
)	REPORT & RECOMMENDATION
Respondent.)	(Doc. No. 2.)

This 28 U.S.C. § 2254 petition is before the magistrate judge pursuant to Local Rule 72.2(b)(2). Before the Court is the petition for habeas corpus relief pursuant to 28 U.S.C. § 2254, filed, *pro se*, by Petitioner Hector Alvarado (“Petitioner” or “Alvarado”). (Doc. No. 1.) Currently pending is Petitioner’s Motion to Proceed *In Forma Pauperis*. (Doc. No. 2)

Petitioner’s Application reflects his prisoner account contains approximately \$1071.53. (Doc. No. 2-1.) Petitioner’s resources are thus more than sufficient to expect him to bear the cost of filing a habeas corpus action, which amounts to \$5.00.

Accordingly, it is recommended Petitioner’s Application be denied and that he be

ordered to pay the filing fee of \$5.00 within fourteen (14) days of the date of an Order adopting this recommendation.

Date: October 31, 2016

s/ Jonathan D. Greenberg
Jonathan D. Greenberg
United States Magistrate Judge

OBJECTIONS

Any objections to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days after the party objecting has been served with a copy of this Report and Recommendation. 28 U.S.C. § 636(b)(1). Failure to file objections within the specified time may waive the right to appeal the District Court's order. See *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).